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PATENT

Attorney Docket 044921-5131-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**CONTINUATION PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)**

**This is a request for filing a Continuation patent application under 37 C.F.R. 1.53(b).**

1. This application is a Continuation Patent Application under 37 C.F.R. 1.53 of pending prior application No. 10/629,618 filed on July 30, 2003 of:

Inventors: 1. Uwe Scherf, Gaithersburg, MD

For: **Nucleic Acid Detection Assay Control Genes**

Prior Application: 10/629,618  
Examiner: Jeanine Anne Goldberg  
Group Art Unit: 1634

2. The papers enclosed are as follows:

A new continuation application:

42 Pages of specification including  
35 Pages of description  
06 Pages of claims  
01 Page of Abstract

3. Oath or Declaration: A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
4. Additional Papers Submitted:  
(i) Preliminary Amendment
5. Relate Back (35 U.S.C. 120): Please see the attached Preliminary Amendment.
6. Assignment: The prior application is assigned of record to Gene Logic Inc. at Reel/Frame 014375/0183 on July 30, 2003.
7. Extension of Time in Parent Application No. 10/629,618: For the purposes of maintaining copendency between prior application 10/629,619 and this continuation application, Applicants petition for a five-month extension of time from December 3, 2005 to May 3, 2006, the fee for

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which is **\$2,160.00** as set forth in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefore.

8. Fee Calculation (37 C.F.R. 1.16):

APPLICATION FILING FEES FOR FEE CALCULATION				
Basic Application Filing Fee				\$300.00
Application Size Fee				\$00.00
Search Fee				\$500.00
Examination Fee				\$200.00
			Sub-total =	\$00.00
CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	
Total Claims	- 20		\$50.00 each =	\$00.00
Independent Claims	- 3		\$200.00 each =	\$00.00
Multiple dependent claims			\$360.00	\$00.00
			Sub-total =	\$00.00
			Reduction by ½ for filing by a small entity	-\$00.00
			<b>Total Filing Fee =</b>	<b>\$00.00</b>

9. Fee Payment: The Commissioner is hereby authorized to charge **\$2,160.00** to Deposit Account No. 50-0310 for payment of the five-month extension of time fee in prior application **10/629,618**.

**The application filing fee is not being paid by at this time.** This application is being filed under the provisions of 37 C.F.R. 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for paying the filing fee.

10. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.
11. **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

**Please accord this new U.S. Continuation Application a serial number and filing date.**

Dated: **May 3, 2006**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
Morgan, Lewis & Bockius LLP

*Christopher J. Betti*

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